

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26318

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Matter of the Application of Frank Gonsalves Correa to Register and Confirm Title to Land Situate at Omaopio 1, 2, 3, and 4, Kula, Maui, State of Hawai'i

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APPEAL FROM THE LAND COURT  
(APPLICATION NO. 342; LAND COURT NO. 03-0014)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that final judgment has not been entered on the petition for expungement, injunctive relief and damages filed as Land Court No. 03-0014. The December 24, 2003 order granting expungement is an interlocutory order that was not certified for appeal pursuant to HRS § 641-1(b). The December 24, 2003 order is not a collateral order appealable as a final order inasmuch as the matter of expungement was not completely separate from the merits of Land Court No. 03-0014, but was a matter for which Land Court No. 03-0014 was filed. The appeal of the December 24, 2003 order is premature and we lack jurisdiction. See HRS §§ 501-63 and 641-1(a). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

Dated: Honolulu, Hawai'i, April 27, 2004.